IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 10921 of 2003

Between:

M. Rajender S/o. M. Ramaiah
R/o. 5-1-106/1, Behind Collector's Office,
Kavirajnagar, Khammam

..... PETITIONER

AND

1 Northern Power Distribution Company

of A.P. Limited, Warangal
rep. by its Chairman / Managing Director
2 The Chairman and Managing Director,

Northern Power Distribution Company of
A.P. Limited, Warangal
3 The Superintending Engineer (Operation),

Northern Power Distribution Company of
A.P. Limited, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus setting aside letter No.SE/OP/KMM/Adm/A1/D.No.505/03 dated 23-4-2003, on the file of the 3rd respondent declaring the same as arbitrary, illegal and contrary to clause 5 (c) of B.P.Ms. No. 36 dated 18-5-1997 and contrary to clause 11 and 12 of T.O.O. No. (GS (IR) Per St) No. 137 dated 7-7-2000 and consequently direct the respondents to appoint the petitioner herein to the post of Lower Division Clerk in pursuance of the notification dated 28-4-2001, on the file of 3rd respondent.

Counsel for the Petitioner : MR.M.VENKAT RAM REDDY
Counsel for the Respondents : MR.S.RAVINDRANATH

The Court made the following :

O R D E R:

This Writ Petition is filed seeking writ of mandamus declaring the proceedings No.SE/OP/KMM/Adm/A1/D.No.505 of 2003, dated 23-04-2003 of the third respondent as arbitrary and illegal and consequently direct the respondents to appoint the petitioner to the post of Lower Division Clerk in pursuance of the notification dated 28-04-2001.

According to the petitioner, he worked with two Contractors and he is entitled for absorption into the service of the respondents organization in pursuance to the guidelines framed in B.P.Ms.No.36, dated 18-05-1997. Therefore, he had submitted two certificates issued by the two Contractors. The first certificate was issued by K.K.Rao Engineering Works Private Limited, wherein, it was mentioned that the petitioner worked as a contract labour from 1991 to 1994 and the agreement entered into and the name of the petitioner was indicated as M.Rajender, S/o.Ramaiah. The second certificate was issued by another Contractor-M.V.S.Hari Babu, in which, the particulars of an agreement and the years of service was mentioned, but the name of the petitioner was mentioned as Mallu Rajender Reddy, S/o.Ram Reddy. While rejecting the case of the petitioner in the impugned order dated 23-04-2003, no reasons were furnished except saying that the petitioner could not come up for selection.

A detailed counter affidavit has been filed by the respondents stating that the petitioner has submitted two certificates. There is a discrepancy in the name of the petitioner. The second certificate obviously does not relate to the petitioner and on the basis of that the petitioner was not selected.

Though in the second certificate submitted by the petitioner, there was a discrepancy as to the name of the petitioner, but no notice was issued to the petitioner asking him as to how this certificate was relevant to him. The

authorities themselves construed that the first and second certificates are not one and the same, and considered only the first certificate and found that the petitioner was not eligible as per the Rules as on 18-05-1997. Hence, the case of the petitioner was rejected. All these details were not furnished in the impugned proceedings.

Learned counsel for the petitioner submits that the petitioner came to know about the reasons only after filing the counter. Therefore, he was not given any opportunity to explain as to how the name of the petitioner was shown differently in the two separate certificates issued by the said two contractors.

Under those circumstances, I am of the considered opinion that the case of the petitioner shall be considered by the respondents after receiving a detailed representation from the petitioner and pass appropriate orders as per the Circular guidelines framed in B.P.Ms.No.36, dated 18-05-1997, within a period of two months from the date of receipt of the representation.

With the above observation, the Writ Petition is disposed of.

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26-11-2004

Note:

C.C. in two days

(B/o)

Prv

To

1 The Chairman/Managing Director,

Northern Power Distribution Company

of A.P. Limited, Warangal.

2 The Chairman and Managing Director,

Northern Power Distribution Company of
A.P. Limited, Warangal.

3 The Superintending Engineer (Operation),

Northern Power Distribution Company of
A.P. Limited, Khammam.

4 Two CD copies.